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**EXAMINER:** James L. Grun, Ph.D.

**FROM:** David R. Saliwanchik

**COMPANY:** U.S. Patent Office  
Art Unit 1641

**DATE:** February 1, 2007

**FAX NO.:** (571) 273-8300

**NO. OF PAGES**  
**(INCLUDING COVER SHEET):** 2

**SUBJECT/MESSAGE:**

Re: Serial No. 10/809,600; filed March 24, 2004  
Attorney Docket No. L-8XC1

1. Election Under 35 USC §121 (1 page).

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I hereby certify that this correspondence is being  
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and Trademark Office on the date shown below:

February 1, 2007  
David Saliwanchik  
David R. Saliwanchik, Patent Attorney

ELECTION UNDER 35 USC § 121  
Examining Group 1641  
Patent Application  
Docket No. L-8XC1  
Serial No. 10/809,600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : James Leslie Grun, Ph.D.  
Art Unit : 1641  
Applicants : David Nordman *et al.*  
Serial No. : 10/809,600  
Filed : March 24, 2004  
For : Novel Methods for Determining the Negative Control Value for Multi-Analyte Assays

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

ELECTION UNDER 35 USC §121

Sir:

In response to the written restriction requirement dated January 16, 2007, the Applicants hereby elect to prosecute the Group II claims, *i.e.* claims 9-13, drawn to an assay method with a negative control selected from a capture reagent.

The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 or 1.17 as required by this paper to Deposit Account 19-0065.

Respectfully submitted,

David Saliwanchik

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DRS/la